

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY GEORGIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:02-CR-016 (WLS)
	:	
HOMERO GUERRA,	:	
Defendant	:	
	:	

ORDER

Before the Court is the Government's Motion for Bond Forfeiture. (Doc. 160). The United States of America, by and through its attorney, the United States Attorney for the Middle District of Georgia, moves the Court pursuant to 18 U.S.C. § 3146(d) and Fed. R. Crim. P. 46(f) to forfeit the appearance bond for Defendant Homero Guerra. *Id.* On May 24, 2002, the Government filed a complaint and warrant for the arrest of the above captioned Defendant. (Doc. 1). On May 29, 2002, an indictment was returned as captioned above charging Defendant and others with various criminal acts. (Doc. 9). On May 31, 2002, Defendant made an initial appearance before United States Magistrate Judge Richard L. Hodge and was ordered detained pending trial. (Docs. 8, 37).

On October 16, 2002, Judge Hodge entered an order setting release conditions pending trial for Defendant. As a condition for release, Defendant was required to post a fully secured bond in the amount of fifty thousand dollars (\$50,000). Another condition for release was that Defendant appear in all proceedings as directed by the Court. (Doc. 107). On October 25, 2002, Defendant and Fidelity Insurance Company, as surety, executed an appearance bond in the amount of fifty thousand dollars (\$50,000) in favor of the United States of America. (Doc. 111). Thereafter, Defendant was released from custody.

Subsequently, Defendant was noticed to appear before this Court, but failed to appear as directed. On December 17, 2002, this Court issued a bench warrant for Defendant's arrest. (*See* Doc. 133). As of the date of this Order, Defendant remains a fugitive from justice.

Whereupon the Court finds that Defendant has failed to appear as ordered and failed

thereby to comply with the conditions of his release. It is therefore **ORDERED**, pursuant to 18 U.S.C. § 3146(d) and Fed. R. Crim. P. 46(f) that the aforementioned appearance bond of fifty thousand dollars (\$50,000) executed by Defendant and Fidelity Insurance Company, as surety, be, and hereby is, forfeited to the United States of America.

SO ORDERED, this 27th day of December, 2005.

/s/W. Louis Sands
W. LOUIS SANDS, CHIEF JUDGE
UNITED STATES DISTRICT COURT